

FILED

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA, MARY ELLEN DUNLEAP
IN AND FOR THE COUNTY OF COCHISE CLERK OF SUPERIOR COURT
BY _____
DRAFTED BY _____

STATE OF ARIZONA,) GRAND JURY NO. 16- D134
Plaintiff,) CASE NO. CR2016-
vs.) CASE NO. CR2016- 00739
TOYA MARLENE LITTLEBEAR and)
ERNEST CLAYTON ROSS, aka BJ,)
Defendant(s).)
INDICTMENT

The Grand Jurors of the County of Cochise, in the name of the State of Arizona,
and by its authority accuse:

TOYA MARLENE LITTLEBEAR and
ERNEST CLAYTON ROSS, aka BJ

and charge that in Cochise County:

COUNT 1

On or about September 25, 2015, ERNEST CLAYTON ROSS, AKA BJ, knowingly possessed a dangerous drug for sale, to wit: methamphetamine, in violation of A.R.S. §§13-3407.A.2, 13-3407.B.2, 13-3407.D, E, F, G, H, I, J, 13-3401.6, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 2 felony.

COUNT 2

On or about September 25, 2015, ERNEST CLAYTON ROSS, AKA BJ, committed child abuse, under circumstances likely to produce death or serious physical injury, by intentionally and knowingly and the victim was under fifteen years of age and having the care or custody of a child, caused or permitted the person or health of the child to be injured or to be placed in a situation where the person or health of the child was endangered, in violation of A.R.S. §§13-3623.A, 13-3623.C, E, F, 13-105, 13-303, 13-701, 13-702, 13-703, 13-705 and 13-801, a class 2 felony, punishable pursuant to A.R.S. §13-705.

COUNT 3

~~On or about September 25, 2015, ERNEST CLAYTON ROSS, AKA BJ, knowingly hire, employ or use a minor to engage in any conduct, completed or preparatory, any substance if its possession is prohibited by §§13-3404, 13-3404.01, 13-3405, 13-3406, 13-3407, and 13-3408, in violation of A.R.S. §§13-3409.A.2, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-705.C, and 13-821, a class 2 felony, punishable pursuant to A.R.S. §13-705.~~

COUNT 3

On or about September 25, 2015, ERNEST CLAYTON ROSS, AKA BJ, conspired with S.L. to intentionally be present in a drug free school zone to sell or transfer marijuana under 2 lbs, peyote, prescription only drugs, dangerous drugs or narcotic drugs, to wit: marijuana, in violation of §§13-3411, 13-3401, 13-1003, 13-105, 13-303, 13-701, 13-702, 13-705C and 13-821 a class 4 felony, punishable pursuant to A.R.S. §13-705.

COUNT 3 4

On or about September 25, 2015, ERNEST CLAYTON ROSS, AKA BJ, committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: 14 seals containing methamphetamine, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT ~~6~~ 5

On or about September 25, 2015, ERNEST CLAYTON ROSS, AKA BJ, committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: drug kit containing numerous pipes, two seals, methamphetamine, seals containing marijuana, blue container with marijuana, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT 36

On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: seals located on top of red tool box, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT § 7

On or about September 25, 2015, ERNEST CLAYTON ROSS, AKA BJ, committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: black plastic scale with residue, located on top of red tool box, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT 8

On or about September 25, 2015, **ERNEST CLAYTON ROSS, AKA BJ**, committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: grinder, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT 9

On or about September 25, 2015, ERNEST CLAYTON ROSS, AKA BJ, committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: glass gin bottle bong, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

1
2 **COUNT 10**
3

4 On or about September 25, 2015, ERNEST CLAYTON ROSS, AKA BJ, committed
5 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
6 paraphernalia, to wit: multi colored glass pipe with residue on entertainment center nor side of
7 room, seals located on top of red tool box, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105,
8 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

9
10 **COUNT 11**
11

12 On or about September 25, 2015, ERNEST CLAYTON ROSS, AKA BJ, committed
13 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
14 paraphernalia, to wit: multi color glass bong left side of bed, in violation of A.R.S. §§13-3415.A,
15 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

16 **COUNT 12**
17

18 On or about September 25, 2015, ERNEST CLAYTON ROSS, AKA BJ, committed
19 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
20 paraphernalia, to wit: multicolored bag containing on right side of bed containing numerous
21 items of paraphernalia, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701,
22 13-702, 13-703 and 13-821, a class 6 felony.

23 **COUNT 13**
24

25 On or about September 25, 2015, ERNEST CLAYTON ROSS, AKA BJ, committed
26 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
27 paraphernalia, to wit: glass pipe in multi colored bag on right side of bed, in violation of A.R.S.
28 §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

29 **COUNT 14**
30

31 On or about September 25, 2015, ERNEST CLAYTON ROSS, AKA BJ, committed
32 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
33 paraphernalia, to wit: small glass pipe with residue in multi colored bag on right side of bed, in
34 violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-701, 13-702, 13-703 and 13-821, a class 6
35 felony.

36 **COUNT 15**
37

38 On or about September 25, 2015, ERNEST CLAYTON ROSS, AKA BJ, committed
39 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
40 paraphernalia, to wit: plastic scoop, straw segments and loose seals, in multi colored bag on right
41 side of bed, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-
42 703 and 13-821, a class 6 felony.

43 **COUNT 16**
44

45 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR knowingly
46 possessed a dangerous drug for sale, to wit: methamphetamine, in violation of A.R.S. §§13-
47 3407.A.2, 13-3407.B.2, 13-3407.D, E, F, G, H, I, J, 13-3401.6, 13-303, 13-701, 13-702, 13-703
48 and 13-821, a class 2 felony.

COUNT 17

On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed child abuse, under circumstances likely to produce death or serious physical injury, by intentionally and knowingly and the victim was under fifteen years of age and having the care or custody of a child, caused or permitted the person or health of the child to be injured or to be placed in a situation where the person or health of the child was endangered, in violation of A.R.S. §§13-3623.A, 13-3623.C, E, F, 13-105, 13-303, 13-701, 13-702, 13-703, 13-705 and 13-801, a class 2 felony, punishable pursuant to §13-705.

COUNT 19

~~On or about September 25, 2015, TOYA MARLENE LITTLEBEAR knowingly hire, employ or use a minor to engage in any conduct, completed or preparatory, any substance if its possession is prohibited by §§13-3404, 13-3404.01, 13-3405, 13-3406, 13-3407, and 13-3408, in violation of A.R.S. §§13-3409.A.2, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703, 13-705.C, and 13-821 a class 2 felony.~~

COUNT 2018

On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: 14 seals containing methamphetamine, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703, and 13-821, a class 6 felony.

COUNT 19

On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: drug kit containing numerous pipes, two seals, methamphetamine, seals containing marijuana, blue container with marijuana, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT ~~2~~ 20

On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: seals located on top of red tool box, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT 21

On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: black plastic scale with residue, located on top of red tool box, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

COUNT 22

On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia, to wit: grinder, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-

1 701, 13-702, 13-703 and 13-821, a class 6 felony.

2 COUNT 23

3 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
4 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
5 paraphernalia, to wit: glass gin bottle bong, in violation of A.R.S. §§13-3415.A, 13-3401, 13-
105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

6 COUNT 24

7 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
8 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
9 paraphernalia, to wit: seals located on top of red tool box, in violation of A.R.S. §§13-3415.A,
10 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

11 COUNT 25

12 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
13 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
14 paraphernalia, to wit: multi colored glass pipe with residue on entertainment center nor side of
15 room, seals located on top of red tool box, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105,
16 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

17 COUNT 26

18 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
19 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
20 paraphernalia, to wit: multi color glass bong left side of bed, in violation of A.R.S. §§13-3415.A,
21 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

22 COUNT 27

23 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
24 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
25 paraphernalia, to wit: multicolored bag containing on right side of bed containing numerous
items of paraphernalia, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701,
13-702, 13-703 and 13-821, a class 6 felony.

26 COUNT 28

27 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
28 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
29 paraphernalia, to wit: glass pipe in multi colored bag on right side of bed, in violation of A.R.S.
§§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-703 and 13-821, a class 6 felony.

30 COUNT 29

31 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
32 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
33 paraphernalia, to wit: small glass pipe with residue in multi colored bag on right side of bed, in
34 violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-701, 13-702, 13-703 and 13-821, a class 6

1 felony.

2 COUNT 30

3 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR committed
4 possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug
5 paraphernalia, to wit: plastic scoop, straw segments and loose seals, in multi colored bag on right
6 side of bed, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-303, 13-701, 13-702, 13-
7 703 and 13-821, a class 6 felony.

8 COUNT 31

9 On or about September 25, 2015, TOYA MARLENE LITTLEBEAR knowingly
10 possessed a dangerous drug, to wit: methamphetamine, in violation of A.R.S. §§13-3407.A.1,
11 B.1, F, G, H, 13-3401, 13-901.01, 13-701, 13-702, 13-703 and 13-801, a Class 4 felony.

12 DATED this 1st day of September, 2016.

13 COCHISE COUNTY ATTORNEY

14 BY: T.D.B.

15 Thomas D. Bennett
16 Deputy County Attorney

17 True Bill

18 E.B.Jr
19 Foreperson of the Grand Jury

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